

*Jeff Lazloff*

SB 223

SENATE JUDICIARY

EXHIBIT NO. 15

DATE 1/23/09

BILL NO. SB223

# **MONTANA INCIDENT BASED REPORTING STANDARDS (MTIBR)**

**EFFECTIVE  
JANUARY 1, 1999**

**MONTANA BOARD OF CRIME CONTROL  
TECHNICAL SERVICES UNIT  
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**REVISED JUNE 2008**

Example (2): A rape victim advised that her attacker bragged that he had been "freebasing" cocaine just prior to the incident. D = Drugs/Narcotics should be entered.

Example (3): A medical supply warehouse was burglarized and large quantities of Methadone, Morphine, Benzedrine, and Valium were stolen. D = Drugs/Narcotics should not be entered because, while the drugs were the object of the crime, there was no indication that the offenders used drugs or narcotics before or during the incident.

Example (4): A computer "hacker" used his personal computer and a telephone modem to gain access to a company's computer and steal proprietary data. C = Computer Equipment should be entered.

Example (5): A private residence was burglarized and a personal computer was stolen, along with other items. C = Computer Equipment should not be entered because, while the computer was one of the fruits of the crime, it was not used to commit the crime.

## **8A Bias Motivation - 2 characters (Mandatory)**

Data Element 8A is to be used to indicate whether the offense was motivated by bias.

Because of the difficulty of ascertaining the offender's subjective motivation, bias is to be reported only if investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias against race, religion, disability, ethnicity, or sexual orientation.

Allowable Entries:

Racial Bias:

- 11 = Anti-White
- 12 = Anti-Black
- 13 = Anti-American Indian/Alaskan Native
- 14 = Anti-Asian/Pacific Islander
- 15 = Anti-Multi-Racial Group

Religious Bias:

- 21 = Anti-Jewish
- 22 = Anti-Catholic
- 23 = Anti-Protestant
- 24 = Anti-Islamic (Muslim)
- 25 = Anti-Other Religion (Buddhism, Hinduism, etc.)

- 26 = Anti-Multi-Religious Group**  
**27 = Anti-Atheist/Agnostic**

**Ethnicity/National Origin Bias:**

- 32 = Anti-Hispanic**  
**33 = Anti-Other Ethnicity/National Origin**

**Sexual Orientation Bias:**

- 41 = Anti-Male Homosexual (Gay)**  
**42 = Anti-Female Homosexual (Lesbian)**  
**43 = Anti-Homosexual (Gays and Lesbians)**  
**44 = Anti-Heterosexual**  
**45 = Anti-Bisexual**

**Disability Bias:**

- 51 = Anti-Physical Disability**  
**52 = Anti-Mental Disability**

**Other:**

- 88 = None (no bias)**  
**99 = Unknown (offender's motivation not known)**

**Incidents which do not involve any facts indicating biased motivation on the part of the offender are to be reported as 88 = None, while incidents involving ambiguous facts (e.g., where some facts are present but are not conclusive) are to be reported as 99 = Unknown.**

Example (1): While driving through a predominantly Mexican-American neighborhood, a black male stopped his car to repair a flat tire. A group of Mexican-Americans leaving a bar across the street accosted the driver and then attacked him with bottles and clubs. During the attack, the offenders called the victim by a well-known and recognized epithet used against blacks and told him that blacks were not welcome in the neighborhood.

The offense would be reported as 12 = Anti-Black because the victim and offenders are of different races, the offenders used a racial epithet, and the facts reveal no other reason for the attack than the stated one, e.g., to keep blacks out of the neighborhood.

Example (2): A white juvenile male snatched a Jewish woman's purse, and in doing so, knocked her down and called her by a well-known and recognized epithet used against Jews. The offender's identity is not known. Although the offender used an epithet for Jews, it is not known whether he belongs to another religious group or whether his motive was anything more than robbery. Because the facts are ambiguous, the offense would be reported

# Montana

## Bias Motivation by Offense\* - 2007

Offense Description	Bias Motivation	Total
Aggravated Assault	Anti_Black	1
	Anti-Gay	1
	Anti-Oriental	2
	Anti-White	1
<b>Aggravated Assault Total</b>		<b>5</b>
All Other Larceny	Anti-White	3
<b>All Other Larceny Total</b>		<b>3</b>
Burglary/B & E	Anti-White	1
<b>Burglary/B &amp; E Total</b>		<b>1</b>
Destr/Damage/Vandal	Anti-Gay	1
	Anti-Jewish	2
	Anti-Oriental	2
	Anti-Other Religion	1
	Anti-White	2
<b>Destr/Damage/Vandal Total</b>		<b>8</b>
Disorderly Conduct	Anti_Black	2
	Anti-American Indian / Alaskan	1
	Anti-Asian / Pacific Islander	1
	Anti-Jewish	2
	Anti-Mental Disability	1
	Anti-Oriental	1
	Anti-White	7
<b>Disorderly Conduct Total</b>		<b>15</b>
Drug Equipment Violation	Anti-Other Sexual Orientation	1
<b>Drug Equipment Violation Total</b>		<b>1</b>
Drug/Narcotic Violation	Anti-White	1
<b>Drug/Narcotic Violation Total</b>		<b>1</b>
Intimidation Assault	Anti_Black	2
	Anti-Gay	2
	Anti-Mental Disability	1
<b>Intimidation Assault Total</b>		<b>5</b>
Kidnapping/Abduction	Anti-Gay	1
<b>Kidnapping/Abduction Total</b>		<b>1</b>
Robbery	Anti-Homosexual	1
<b>Robbery Total</b>		<b>1</b>
Shoplifting	Anti-White	1
<b>Shoplifting Total</b>		<b>1</b>
Simple Assault	Anti_Black	2
	Anti-American Indian / Alaskan	1
	Anti-Gay	1
	Anti-Hispanic	3
	Anti-Homosexual	1
	Anti-White	7
<b>Simple Assault Total</b>		<b>15</b>
Theft by False Pretense/Swindl	Anti-White	1
<b>Theft by False Pretense/Swindl Total</b>		<b>1</b>

Theft from Building	Anti-White	1
<b>Theft from Building Total</b>		<b>1</b>
Trespass on Real Property	Anti-Jewish	1
	Anti-White	4
<b>Trespass on Real Property Total</b>		<b>5</b>
Weapon Laws	Anti-White	1
<b>Weapon Laws Total</b>		<b>1</b>
<b>Grand Total</b>		<b>65</b>

\*Excludes the crime category "All Other Offenses".

Source: Montana Incident-Based Reporting System. Montana Board of Crime Control.

# Montana

## Bias Motivation by Offense\* - 2006

Offense Description	Bias Motivation	Total
Aggravated Assault	Anti_Black	4
	Anti-American Indian / Alaskan	7
	Anti-Homosexual	1
	Anti-Islamic (Moslem)	2
	Anti-Oriental	1
	Anti-White	5
<b>Aggravated Assault Total</b>		<b>20</b>
All Other Larceny	Anti-Jewish	2
	Anti-White	9
<b>All Other Larceny Total</b>		<b>11</b>
Burglary/B & E	Anti-Asian / Pacific Islander	1
	Anti-White	2
<b>Burglary/B &amp; E Total</b>		<b>3</b>
Destr/Damage/Vandal	Anti_Black	3
	Anti-American Indian / Alaskan	1
	Anti-Asian / Pacific Islander	1
	Anti-Hispanic	1
	Anti-Oriental	1
	Anti-Other Religion	1
	Anti-White	10
<b>Destr/Damage/Vandal Total</b>		<b>18</b>
Disorderly Conduct	Anti_Black	1
	Anti-American Indian / Alaskan	6
	Anti-Hispanic	4
	Anti-White	10
<b>Disorderly Conduct Total</b>		<b>21</b>
Drug Equipment Violation	Anti-White	6
<b>Drug Equipment Violation Total</b>		<b>6</b>
Drug/Narcotic Violation	Anti_Black	1
	Anti-White	5
<b>Drug/Narcotic Violation Total</b>		<b>6</b>
Family Offense, Nonviolent	Anti-Asian / Pacific Islander	1
	Anti-White	2
<b>Family Offense, Nonviolent Total</b>		<b>3</b>
Forcible Rape	Anti-White	1
<b>Forcible Rape Total</b>		<b>1</b>
Forcible Sodomy	Anti-White	1
<b>Forcible Sodomy Total</b>		<b>1</b>
Intimidation Assault	Anti-White	2
<b>Intimidation Assault Total</b>		<b>2</b>
Motor Vehicle Theft	Anti-Mental Disability	1
	Anti-White	1
<b>Motor Vehicle Theft Total</b>		<b>2</b>
Shoplifting	Anti-American Indian / Alaskan	3
	Anti-White	4

<b>Shoplifting Total</b>		<b>7</b>
Simple Assault	Anti_Black	1
	Anti-American Indian / Alaskan	4
	Anti-Gay	1
	Anti-Lesbian	1
	Anti-Mental Disability	1
	Anti-White	26
<b>Simple Assault Total</b>		<b>34</b>
Stolen Property	Anti-White	1
<b>Stolen Property Total</b>		<b>1</b>
Theft by False Pretense/Swindl	Anti-Other Sexual Orientation	1
	Anti-White	1
<b>Theft by False Pretense/Swindl Total</b>		<b>2</b>
Theft from Building	Anti-White	1
<b>Theft from Building Total</b>		<b>1</b>
Theft From Motor Vehicle	Anti-White	3
<b>Theft From Motor Vehicle Total</b>		<b>3</b>
Theft of Motor Vehicle Parts	Anti-White	1
<b>Theft of Motor Vehicle Parts Total</b>		<b>1</b>
Trespass on Real Property	Anti-Hispanic	1
	Anti-Multi-Racial Group	1
	Anti-White	8
<b>Trespass on Real Property Total</b>		<b>10</b>
Weapon Laws	Anti-American Indian / Alaskan	1
<b>Weapon Laws Total</b>		<b>1</b>
<b>Grand Total</b>		<b>154</b>

\*Excludes the crime category "All Other Offenses".

Source: Montana Incident-Based Reporting System. Montana Board of Crime Control.

# Montana

## Bias Motivation by Offense\* - 2005

Offense Description	Bias Motivation	Total
Aggravated Assault	Anti_Black	1
	Anti-American Indian / Alaskan	3
	Anti-Catholic	1
	Anti-Heterosexual	1
	Anti-Hispanic	2
	Anti-Mental Disability	1
	Anti-Multi-Racial Group	1
	Anti-Other Religion	2
	Anti-Other Sexual Orientation	1
	Anti-Physical Disability	1
	Anti-White	2
<b>Aggravated Assault Total</b>		<b>16</b>
All Other Larceny	Anti-Mental Disability	1
	Anti-White	4
<b>All Other Larceny Total</b>		<b>5</b>
Arson	Anti-White	1
<b>Arson Total</b>		<b>1</b>
Burglary/B & E	Anti-American Indian / Alaskan	1
	Anti-Hispanic	1
	Anti-Mental Disability	1
	Anti-White	1
<b>Burglary/B &amp; E Total</b>		<b>4</b>
Destruction/Damage/Vandalism	Anti-American Indian / Alaskan	3
	Anti-Catholic	1
	Anti-Homosexual	1
	Anti-Mental Disability	1
	Anti-Oriental	2
	Anti-White	5
<b>Destruction/Damage/Vandalism Total</b>		<b>13</b>
Disorderly Conduct	Anti_Black	4
	Anti-American Indian / Alaskan	14
	Anti-Hispanic	2
	Anti-Lesbian	2
	Anti-Protestant	1
	Anti-White	7
<b>Disorderly Conduct Total</b>		<b>30</b>
Drug Equipment Violation	Anti-White	1
<b>Drug Equipment Violation Total</b>		<b>1</b>
Family Offense, Nonviolent	Anti-Mental Disability	1
<b>Family Offense, Nonviolent Total</b>		<b>1</b>
Forcible Fondling	Anti-White	1
<b>Forcible Fondling Total</b>		<b>1</b>
Intimidation Assault	Anti-Gay	1
	Anti-White	1
<b>Intimidation Assault Total</b>		<b>2</b>
Motor Vehicle Theft	Anti_Black	1
	Anti-American Indian / Alaskan	1
<b>Motor Vehicle Theft Total</b>		<b>2</b>



Robbery	Anti-Hispanic	1
	Anti-White	2
<b>Robbery Total</b>		<b>3</b>
Shoplifting	Anti-American Indian / Alaskan	2
	Anti-White	1
<b>Shoplifting Total</b>		<b>3</b>
Simple Assault	Anti_Black	2
	Anti-American Indian / Alaskan	6
	Anti-Gay	1
	Anti-Hispanic	1
	Anti-Homosexual	1
	Anti-Islamic (Moslem)	1
	Anti-Mental Disability	1
	Anti-Oriental	1
	Anti-White	4
<b>Simple Assault Total</b>		<b>18</b>
Theft by False Pretense/Swindle	Anti-Mental Disability	1
	Anti-Protestant	1
<b>Theft by False Pretense/Swindle Total</b>		<b>2</b>
Theft from Building	Anti-Gay	1
	Anti-Jewish	1
	Anti-Mental Disability	1
<b>Theft from Building Total</b>		<b>3</b>
Trespass on Real Property	Anti_Black	1
	Anti-American Indian / Alaskan	7
	Anti-Oriental	1
	Anti-White	2
<b>Trespass on Real Property Total</b>		<b>11</b>
<b>Grand Total</b>		<b>116</b>

\*Excludes the crime category "All Other Offenses".

Source: Montana Incident-Based Reporting System. Montana Board of Crime Control.